



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
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NEW YORK, NEW YORK 10281-1022

July 27, 2020

VIA ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: *SEC v. Steven Fishoff, et al.*, 18-cv-07685 (S.D.N.Y.) (ALC) (JLC)

Dear Judge Carter:

Pursuant to the Court's July 17, 2020 Order (Dkt #54), Plaintiff Securities and Exchange Commission respectfully writes to notify the Court that, in light of further consideration of the particular circumstances in this case, the SEC respectfully withdraws the request for disgorgement of \$222,788 and prejudgment interest of \$56,391.91 set out in its Motion for Judgment against Defendant Deshan Govender, filed on October 31, 2019 (Dkt #48), and seeks only the civil penalty of \$668,364 described in that Motion. As set forth in the Commission's initial brief (Dkt #49), the requested penalty amount is appropriate because it (a) prevents Govender from being unjustly enriched through insider trading, and (b) provides a meaningful deterrent by demonstrating that the penalty for being found liable for insider trading is not merely repaying a defendant's illicit gains. Accordingly, the SEC respectfully requests that this Court grant the SEC's pending Motion for Judgment with the modification described here.

Respectfully submitted,

/s/ Todd D. Brody
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cc: Deshan Govender (via email)